

REMARKS

I. STATUS OF CLAIMS

Claims 88-94 are pending in this application. The Examiner has indicated claims 90, 91, 93, and 94 to be allowed. Claim 89 is withdrawn from consideration. Claim 88 is objected to as reading on a nonelected species.

II. ANTICIPATION REJECTION

In paragraph 4 of the Office action, the Examiner has rejected claim 92 under 35 U.S.C. § 102(b) as anticipated by Pulido et al. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Examiner alleges that Pulido et al. teach the compound α -D-sorbopyranose, 1-butanoate, and that this compound is encompassed by claim 92. However, a close review of the Pulido et al. reference does not disclose the nomenclature cited by the Examiner. Moreover, a review of the structures disclosed by Pulido et al. does not yield any structure that falls within the scope of claim 92. The only possible structures that come even close to those recited in claim 92 are those given in Table 9. These structures are configured differently from the structure recited in claim 92 (note the configurations at C-4 and C-5 relative to the configuration at carbon C-2 in Table 9). Accordingly, Pulido et al. does not anticipate claim 92. Moreover, as Pulido et al. is a purely scientific article, and discloses no utility for the compounds in Table 9, there would have been no motivation for one of ordinary skill in the art to modify the structures disclosed therein. *In re Stemniski*, 170 USPQ 343 (CCPA 1971).

Since the Examiner has failed to establish any anticipation, and since the anticipation rejection of claim 92 is the only remaining issue in this application, Applicants respectfully submit that the application is in condition for immediate allowance, and a notice to that effect is earnestly solicited. Alternatively, since there is no disclosure of a compound falling within the scope of claim 92, Applicants respectfully submit that if an additional rejection of claim 92 is needed, the next Office action be made non-final.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



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